



General Assembly

January Session, 2013

Raised Bill No. 6537

LCO No. 3840



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING WATER QUALITY AND THE UNIVERSITY OF CONNECTICUT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 25-32a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in this section, sections 25-32, 25-32b to 25-32m, inclusive,
4 as amended by this act, 25-33 and 25-34, "consumer" means any private
5 dwelling, hotel, motel, boardinghouse, apartment, store, office
6 building, institution, mechanical or manufacturing establishment or
7 other place of business or industry to which water is supplied by a
8 water company; "water company" means any individual, partnership,
9 association, corporation, municipality, The University of Connecticut
10 at Storrs, or other entity, or the lessee thereof, who or which owns,
11 maintains, operates, manages, controls or employs any pond, lake,
12 reservoir, well, stream or distributing plant or system that supplies
13 water to two or more consumers or to twenty-five or more persons on
14 a regular basis provided if any individual, partnership, association,
15 corporation, municipality or other entity or lessee owns or controls

16 eighty per cent of the equity value of more than one such system or
17 company, the number of consumers or persons supplied by all such
18 systems so controlled shall be considered as owned by one company
19 for the purposes of this definition.

20 Sec. 2. Section 22a-354c of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2013*):

22 (a) On or before July 1, 1990, each public or private water company
23 serving one thousand or more persons shall map at level B all areas of
24 contribution and recharge areas for its existing wells located in
25 stratified drift aquifers. On or before July 1, 2014, The University of
26 Connecticut at Storrs shall map at level B all areas of contribution and
27 recharge areas for its existing wells located in stratified drift aquifers.
28 Not later than three years after the adoption by the Commissioner of
29 Energy and Environmental Protection of a model municipal aquifer
30 protection ordinance under section 22a-354l, each public and private
31 water company serving ten thousand or more persons and The
32 University of Connecticut at Storrs shall map at level A all areas of
33 contribution and recharge areas for its existing wells located in
34 stratified drift aquifers. Any public or private water company,
35 including, but not limited to, The University of Connecticut, that
36 creates a new well field serving one thousand or more persons that has
37 not been mapped previously as an existing well shall map areas of
38 contribution and recharge areas for the new well field. Any map of
39 such a new well field shall be submitted not later than one year after
40 the issuance of a diversion permit in accordance with section 22a-368
41 at level B, and not later than three years after the issuance of a
42 diversion permit in accordance with section 22a-368 at level A. The
43 Commissioner of Energy and Environmental Protection may map at
44 level A and at level B all areas of contribution and recharge areas for
45 existing wells located in stratified drift aquifers that are used by any
46 public or private water company serving less than one thousand
47 persons.

48 (b) Each public or private water company serving ten thousand or
49 more persons and The University of Connecticut at Storrs shall map all
50 areas of contribution and recharge areas for potential wells that are
51 located within stratified drift aquifers identified as future sources of
52 water supply to meet their needs in accordance with the plan
53 submitted pursuant to section 25-33h at level B not more than two
54 years after the Commissioner of Energy and Environmental Protection
55 requests such mapping. The Commissioner of Energy and
56 Environmental Protection shall identify and make recommendations
57 for mapping, or shall map, all remaining significant areas of
58 contribution and recharge areas for potential wells located in stratified
59 drift aquifers not identified by a public or private water company as a
60 potential source of water supply within the region of an approved
61 plan. Mapping of any other area of contribution and recharge areas for
62 potential wells located in stratified drift aquifers by the commissioner
63 shall be completed at a time determined by the commissioner.

64 Sec. 3. Section 25-37c of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2013*):

66 The Department of Public Health shall adopt, in accordance with
67 chapter 54, regulations establishing criteria and performance standards
68 for the three following classes of water-company-owned land: [.]

69 [(a)] (1) Class I land includes all land owned by a water company or
70 acquired from a water company through foreclosure or other
71 involuntary transfer of ownership or control which is either: [(1)] (A)
72 Within two hundred and fifty feet of high water of a reservoir or one
73 hundred feet of all watercourses as defined in agency regulations
74 adopted pursuant to this section; [(2)] (B) within the areas along
75 watercourses which are covered by any of the critical components of a
76 stream belt; [(3)] (C) land with slopes fifteen per cent or greater
77 without significant interception by wetlands, swales and natural
78 depressions between the slopes and the watercourses; [(4)] (D) within
79 two hundred feet of groundwater wells; [(5)] (E) an identified direct

80 recharge area or outcrop of aquifer now in use or available for future
81 use, or [(6)] (F) an area with shallow depth to bedrock, twenty inches
82 or less, or poorly drained or very poorly drained soils as defined by
83 the United States Soil Conservation Service that are contiguous to land
84 described in [subdivision (3) or (4) of this subsection] subparagraph
85 (C) or (D) of this subdivision and that extend to the top of the slope
86 above the receiving watercourse.

87 [(b)] (2) Class II land includes (A) all land owned by a water
88 company or acquired from a water company through foreclosure or
89 other involuntary transfer of ownership or control which is either [(1)]
90 (i) on a public drinking supply watershed which is not included in
91 class I, or [(2)] (ii) completely off a public drinking supply watershed
92 and which is within one hundred and fifty feet of a distribution
93 reservoir or a first-order stream tributary to a distribution reservoir,
94 and (B) notwithstanding any provision of the general statutes, for
95 lands owned by The University of Connecticut, (i) all level A aquifer
96 protection lands that are mapped, approved and regulated pursuant to
97 chapter 446i that are within a public drinking supply watershed that is
98 not class I land, or (ii) all land that is completely outside public
99 drinking supply watersheds and that is within one hundred fifty feet
100 of a distribution reservoir or first-order stream tributary to a
101 distribution reservoir.

102 [(c)] (3) Class III land includes (A) all land owned by a water
103 company or acquired from a water company through foreclosure or
104 other involuntary transfer of ownership or control which is
105 unimproved land off public drinking supply watersheds and beyond
106 one hundred and fifty feet from a distribution reservoir or first-order
107 stream tributary to a distribution reservoir, and (B) notwithstanding
108 any provision of the general statutes, for lands owned by The
109 University of Connecticut, (i) unimproved land outside public
110 drinking water supply watersheds and more than one hundred and
111 fifty feet from a distribution reservoir or first-order stream tributary to
112 a distribution reservoir, and (ii) any land that is neither class I nor class

113 II land.

114 Sec. 4. Subsection (b) of section 25-32 of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective*
116 *October 1, 2013*):

117 (b) No water company shall sell, lease, assign or otherwise dispose
118 of or change the use of any watershed lands, except as provided in
119 section 25-43c, without a written permit from the Commissioner of
120 Public Health. The commissioner shall not grant: (1) A permit for the
121 sale of class I land, except as provided in subsection (d) of this section,
122 (2) a permit for the lease of class I land except as provided in
123 subsection (p) of this section, or (3) a permit for a change in use of class
124 I land unless the applicant demonstrates that such change will not
125 have a significant adverse impact upon the present and future purity
126 and adequacy of the public drinking water supply and is consistent
127 with any water supply plan filed and approved pursuant to section
128 25-32d. The commissioner may reclassify class I land only upon
129 determination that such land no longer meets the criteria established
130 by [subsection (a)] subdivision (1) of section 25-37c, as amended by
131 this act, because of abandonment of a water supply source or a
132 physical change in the watershed boundary. Not more than fifteen
133 days before filing an application for a permit under this section, the
134 applicant shall provide notice of such intent, by certified mail, return
135 receipt requested, to the chief executive officer and the chief elected
136 official of each municipality in which the land is situated.

| | | |
|---|------------------------|----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 25-32a |
| Sec. 2 | <i>October 1, 2013</i> | 22a-354c |
| Sec. 3 | <i>October 1, 2013</i> | 25-37c |
| Sec. 4 | <i>October 1, 2013</i> | 25-32(b) |

Statement of Purpose:

To require The University of Connecticut at Storrs to comply with certain water supply plans, consumer information and mapping requirements that are currently applicable to water companies and to classify certain lands of The University of Connecticut at Storrs for purposes of public health regulations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]